## REMARKS

In the Final Office Action dated August 11, 2009, the Examiner: rejected claims 1-3, 10-14 and 18-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,910,078 ("*Raman*"); rejected claims 4 and 24-26 under 35 U.S.C. 103(a) as being unpatentable over *Raman* in view of U.S. Patent 6,116,345 ("*Fontana*")[1]; rejected claim 28 under 35 U.S.C. 103(a) as being unpatentable over *Raman* in view of U.S. Pat. Pub. No. 2002/0101888 ("*Keck*"); objected to claims 5, 6, 8 and 9 as being dependent on a rejected base claim, but otherwise allowable; and allowed claims 7, 15-17 and 27.

In this response, Applicant has amended claim 5, 8 and 28. Based on the amendments and arguments presented herein, Applicant respectfully requests reconsideration and allowance of the pending claims.

## CLAIM AMENDMENTS

Claims 5 and 8 were re-written in independent form and claim 28 was amended to correct a typographical error. The Examiner indicated that claims 5 and 8 would be allowable if written in independent form.

## § 102 REJECTIONS

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

Claim 1, in part, requires "a first master device generating a first data stream" and "a second master device generating a second data stream, the first and second master devices being independent". Claim 1 further requires "[a] redundancy manager [that] is operable to selectively forward one of the first and second data streams to [a] slave device". The Examiner cites *Raman* as anticipating these limitations. See Office Action dated 08/11/09, page 2, item 3. At issue is whether *Raman* teaches Applicant's claimed "first and second master devices" and "redundancy manager" that is operable to

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[1] In the Office Action dated 08/11/09, the introduction of item 5, page 7 only mentions claim 4. However, the body of item 5 (pages 7-9) mentions claims 4 and 24-26.

selectively forward one of the first and second data streams from the master devices to a slave device. To support the anticipation rejection, the Examiner compares *Raman's* servers 120 and 122 to Applicant's claimed "first and second master devices". Further, the Examiner compares Raman's client 130 to Applicant's claimed "slave device". Applicant submits that the Examiner's reliance on *Raman* to support the anticipation rejection is improper at least because the well-known relationship of clients and servers is the opposite of the Examiner's interpretation. In other words, *Raman's* servers 120 and 122 are not comparable to Applicant's claimed "first and second master devices" as argued by the Examiner. Further, *Raman's* client 130 is not comparable to Applicant's claimed "slave device" as argued by the Examiner. In general, servers wait to receive requests from a client and then respond to such requests. Thus, servers (*e.g.*, Raman's servers 120 and 122) are akin to slave devices and clients (*e.g.*, Raman's client 130) are akin to master devices, which is the opposite of the Examiner's interpretation.

Providing the correct master/slave interpretation to *Raman's* client/server scheme results in *Raman* teaching a system that is significantly different from Applicant's claimed system. Instead of teaching "first and second master devices" and a "slave device" as in claim 1, *Raman* teaches a single master device (client 130) and multiple slave devices (servers 120 and 122). Further, instead of teaching Applicant's claimed "redundancy manager [that] is operable to selectively forward one of the first and second data streams [generated by the first and second master devices] to the slave device" as in claim 1, *Raman* teaches a failover manager 150 that detects when a slave device (server 120) cannot respond to a request from a master device (client 130) and causes another slave device (server 122) to respond to the request. See col. 9, lines 9-29. Accordingly, *Raman* does not anticipate claim 1. For at least these reasons, claim 1 and its dependent claims are allowable over *Raman*.

Claim 10, in part, requires "a redundancy manager device" with a switching mechanism "configured to receive a first data stream associated with a first master device and a second data stream associated with a second master device" and where "the switching mechanism is configured to implement a default configuration that forwards one of the first and second data streams to the slave device". For much the same reasons as given for claim 1, *Raman* does not teach the above limitations. More specifically, because *Raman* only teaches one master device (server 130), *Raman* does not teach "a first data stream associated with a first master device" and "a second data stream associated with a second master device" as in claim 10. Further, instead of teaching the claimed "switching mechanism" that receives the first and second data streams (associated with first and second master devices) and

forwards one of these streams by default, *Raman's* failover manager process 150 enables redundant slave devices (servers 120 and 122) to service requests from a single master device (client 130). Even assuming, *arguendo*, that one of *Raman's* slave devices (severs 120 and 122) were configured by default to service requests from the client 130, *Raman* still would not teach would not the above limitations because *Raman* only has a single master device. Accordingly, *Raman* does not anticipate claim 10. For at least these reasons, claim 10 and its dependent claims are allowable over *Raman*.

Amended claim 18, in part, requires "receiving a plurality of data streams, each data stream being received from a different master device" and "forwarding one of the data streams to a slave device according to a prioritization of data stream validity estimates, requests to forward a particular data stream, and a switch-based timing threshold". For much the same reasons as given for claim 1, *Raman* does not teach the above limitations. More specifically, because *Raman* only teaches a single master device, *Raman* does not teach "receiving a plurality of data streams, each data stream being received from a different master device" as in claim 18. Further, *Raman* does not teach "forwarding one of the data streams [from different master devices] to a slave device according to a prioritization of data stream validity estimates, requests to forward a particular data stream, and a switch-based timing threshold". Instead, *Raman* teaches switching or restarting a data stream from a master device (client 130) from one slave device to another (servers 120 and 122). Accordingly, *Raman* does not anticipate claim 18. For at least these reasons, claim 18 and its dependent claims are allowable over *Raman*.

## § 103 REJECTIONS

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. The key to supporting any rejection under 35 U.S.C. § 103 is the clear and explicit articulation of the reason(s) why the claimed invention would have been obvious. *MPEP* § 2141 (citing *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007)). Articulated reasoning with a rational underpinning is required to support a conclusion of obviousness, rather than mere conclusory statements. Further, to reach a proper determination, the Examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art." In reaching a determination, the Examiner must avoid impermissible hindsight and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

The Examiner rejected claims 4 and 24-26 as obvious over *Raman* in view of *Fontana*. Claim 4 depends from claim 1 and is allowable over *Raman* for the same reasons as given for claim

1. Further, *Fontana* does not overcome the deficiencies of *Raman* with respect to claim 1. In addition, claim 4 requires "the slave device comprises a subsea tool". The Examiner concedes that *Raman* does not teach a subsea tool and relies on *Fontana* to support the obviousness rejection. See Final Office Action dated 08/11/09, page 7, item 5. Although *Fontana* teaches a subsea tool, the Examiner's suggestion to modify *Raman's* client/server system for use with a subsea tool is not an obvious modification. The Examiner has not provided any objective evidence to explain how such a modification is even possible. As previously explained, *Raman's* servers 120 and 122 are akin to slave devices. So the Examiner's proposed modification would involve replacing at least one of *Raman's* slave devices (servers 120 and 122) with a subsea tool. Even if such modification were possible, Applicant submits that the proposed modification to *Raman* improperly renders *Raman* unsatisfactory for its intended purpose to provide a client/server system with redundant servers. See MPEP § 2143.01, section V. In other words, replacing at least one of *Raman's* servers 120 and 122 with *Fontana's* subsea tool (which does not operate as a server in a client/server scheme), would disable *Raman's* redundant server scheme. Further, due to the above deficiencies in the Examiner's proposed combination of *Raman* and *Fontana*, the Examiner has failed to clearly and explicitly articulate the reason(s) why claim 4 would have been obvious as is required. For at least these reasons, claim 4 is allowable over *Raman* and *Fontana*.

Claim 24, in part, requires "a first master device" and "a second master device". Claim 24 further requires "a subsea tool responsive to commands received from the first and second master devices" and "means for switching mastership of the subsea tool between the master devices". For much the same reasons as given for claim 4, *Raman* and *Fontana*, considered individually or together, do not render obvious the limitations of claim 24. For at least these reasons, claim 24 and its dependent claims are allowable over *Raman* and *Fontana*.

The Examiner rejected claim 28 as obvious over *Raman* in view of *Keck* and *Fontana*. Claim 28 was amended to depend from claim 4 rather than claim 1 since claim 1 does not provide antecedent basis for the term "the subsea tool" recited in claim 28. As amended, claim 28 depends from claims 1 and 4. Accordingly, claim 28 is allowable over *Raman* for the same reasons as given for claim 1 and is allowable over *Raman* and *Fontana* for the same reasons as given for claim 4. *Keck* does not overcome the deficiencies of claim *Raman* and *Fontana* with respect to claims 1 and 4. Further, claim 28 requires "both of the first and second master devices are configured to simultaneously monitor a data stream from the subsea tool". The Examiner concedes that *Raman*

and *Fontana* do not teach these limitations and relies on *Keck* to support he obviousness rejection. See Final Office Action dated 08/11/09, page 9, item 6. However, *Keck's* description of simultaneous communication between upstream and downstream devices is not the same as Applicant's claimed "both of the first and second master devices are configured to simultaneously monitor a data stream from the subsea tool". First, *Keck* does not teach "monitoring" of a data stream as in claim 28. Second, *Keck's* simultaneous communication technique refers to two-way communication between devices (see paragraphs [0026] and [0027]) and not simultaneous monitoring of a data stream by two different devices as in claim 28. For at least these reasons, claim 28 is allowable over *Raman*, *Keck*, and *Fontana*.

## CONCLUSION

During the course of these remarks, Applicant has at times referred to particular limitations of the claims that are not shown in the applied prior art. This shorthand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. They are as required by law. Consequently, when interpreting the claims, each of the claims should be construed as a whole, and patentability determined in light of this required claim construction. Unless Applicant has specifically stated that an amendment was made to distinguish the prior art, it was the intent of the amendment to further clarify and better define the claimed invention and the amendment was not for the purpose of patentability. Further, although Applicant may have amended certain claims, Applicant has not abandoned its pursuit of obtaining the allowance of these claims as originally filed and reserves, without prejudice, the right to pursue these claims in a continuing application.

Should any fees have been inadvertently omitted, or if any additional fees are required, or if any fees have been overpaid, please appropriately charge or credit to those fees to Deposit Account No. 03-0335 of Cameron International, Houston, Texas and consider this paper a petition for any necessary extension of time.

If the Examiner has any questions or comments regarding this communication, he is invited to contact the undersigned to expedite the resolution of this application.

Respectfully submitted,

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